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TO: Interested Stakeholders

FROM: Matt Judge, Department of Early Learning Rules Coordinator

SUBJECT: **Concise Explanatory Statement**
Final Adoption of Amended WAC sections 170-100-080 and 170-100-090.

RCW [34.05.325](#)(6) requires that when a state agency adopts a permanent rule (known as Washington Administrative Code or WAC), the agency must prepare a "Concise Explanatory Statement" (CES). This statement is a public document that summarizes:

- Comments, summarized by category, received at public hearings or in written form on the proposed version of the rule;
- Whether the final rule was changed as a result of the comments; and
- Changes from the proposed to the final version of the rule.

The Department of Early Learning (DEL) sends the Concise Explanatory Statement to everyone who testified at public hearings, sent a written comment, or asks to receive the CES. The CES is also posted on the DEL website (see <http://www.del.wa.gov/laws/development/Default.aspx>, *DEL Rules Under Development*).

This document also serves as the summary of public hearing comments to the agency head required under RCW [34.05.325](#)(4).

I. Background

Effective July 1, 2013, DEL clarified Early Childhood Education and Assistance Program (ECEAP) Performance Standards Section B: Enrollment and Eligibility. DEL is currently revising ECEAP Performance Standards Section C: Human Resources, and the revisions go into effect July 1, 2014.

The proposed rules revise ECEAP eligibility, prioritization, and enrollment rules to keep them consistent with the clarified and revised performance standards. This includes updating eligibility rules such that children ages three and four who are receiving child protective services or family assessment response services are eligible and prioritized for ECEAP services.

Public Comment. DEL filed proposed rules on May 21, 2014 as WSR 14-11-095. A public hearing was held on June 24, 2014 in Olympia. No one attended or testified at the hearing but 24 written comments were received before the June 24, 2014 comment deadline. Comments on the proposed rules are summarized in section II of this document.

II. Summary of Issues Raised in Public Comments, and DEL's Responses, Noting if the Proposed Rule was Changed as a Result

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A. Public Comments regarding WAC sections 170-100-080 and 170-100-090.	B. 1. DEL Response; and 2. Was the proposed rule changed as a result of the comment? If yes, how?
<p>WAC 170-100-090 (3)(c) and (d). Do not support: The insertion of ECE Certificate or CDA as acceptable qualification for an ECEAP teacher does not align with research that indicates higher school readiness outcomes for children is linked to higher staff qualifications. This also does not align with federal Head Start standards, which require a minimum of an AA in ECE or AA with ECE equivalent. Third, it does not align with the direction the federal government is taking in requiring BA degrees for preschool teachers. The CDA or ECE Certification is only acceptable for teacher assistants. This change is a step backward in creating a high quality early learning program. In Head Start, a teacher with a CDA has three years to get an AA degree, and can only be hired if the program provides evidence of efforts to hire a teacher who does meet qualification. I suggest adding similar language. We should not be accepting of an ECE Certificate or CDA as a minimum qualification for preschool teacher in ECEAP. This is one area of alignment that should not be done with child care, and there is not a good argument to do so.</p>	<p>1. WAC 170-100-090 (3) (c) and (d) refer to the role of ECEAP Assistant Teacher, not Lead Teacher. There are no proposed changes to the qualifications for the role of ECEAP lead teacher.</p> <p>2. The proposed rules were not changed as a result of this comment.</p>
<p>WAC 170-100-090 (4). I support the retention of the AA degree and requirements for a credential or certificate. I think the language around a credential or certificate needs more specificity to assure that such credential/certificate meets some type of standards.</p>	<p>1. DEL is in the process of finalizing the specific list of approved early childhood education degrees and credentials. These will be listed in the Managed Education and Registry Information Tool (MERIT).</p> <p>2. The proposed rules were not changed as a result of this comment.</p>
<p>WAC 170-100-090 (6) and (7) and (8). I do not support: Please retain the word "professional" as the term "consultant" infers that the individual is not employed in the program. Many of the ECEAP programs do have Coordinators and Specialists in these areas who are employees. Suggest "professional or consultant" as the replacement term. This would prevent future interpretation that every program has to have a consultant, even if they</p>	<p>Many ECEAP sites do not have access to a professional on staff, but rather have access to a contracted professional. ECEAP contractors have requested that DEL change that job role title to cover more options to reflect the variety of program models.</p> <p>The language in each of the job role standards, which precede each of these qualification standards, and have been in the</p>

<p>had an employee who met the qualification requirements</p>	<p>ECEAP Performance Standards since 2006, says “ECEAP staff, including subcontractors, must have access to a [professional] who provides [services].” This language clarifies that the person does not need to be on staff nor must they be an outside contractor, rather that the requirement is only that staff have access to someone in these roles. It is up to the ECEAP contractor if it is a staff or outside consultant.</p> <p>2. The proposed rules were not changed as a result of this comment.</p>
<p>Agrees with the proposed revisions to WAC 170-100-080 regarding eligibility for ECEAP services, with the exception of the deletion of current subsection (1). We are united by the belief that all children in Washington State deserve to have the opportunities and support they need in their first five years of life to be prepared for school and a bright future. We are gratified to see the provisions of House Bill 2519 from the 2014 legislative session move to implementation. This WAC revision is an important step in the provisions of the bill that require eligibility and prioritization for children receiving child protective services and family assessment response services to ensure children involved in the child welfare system can connect with quality early care and education programming. ELAA vigorously advocated for the passage of House Bill 2519. Suggested alternative to the deletion of current WAC 170-100-080 (1). We are concerned about the deletion of this subsection, as we believe the Department of Early Learning and its ECEAP contractors have an obligation to conduct effective and robust outreach efforts to recruit and enroll children defined as eligible in the revised WAC 170-100-080. It is our experience, in regard to the child welfare system, that child welfare workers and foster and kinship caregivers are unlikely to make referrals to ECEAP or know how and when to apply. We suggest that current WAC 170-100-080 (1) be retained and modified to emphasize recruitment for populations prioritized for ECEAP enrollment. We suggest it read as follows: Contractors must write and follow a recruitment procedure, including active recruitment of age-eligible children: • From families at the lowest federal poverty levels, as published annually by the U.S. Department of Health and Human Services. • Who are</p>	<p>1. ECEAP contractors have an obligation to conduct effective and robust outreach efforts to recruit and enroll children defined as eligible in the revised WAC 170-100-080. DEL is only deleting this section from WAC, not from required activities for ECEAP contractors.</p> <p>DEL requires that they do so through our ECEAP contract and performance standards. Having recruitment responsibilities outlined in the ECEAP contract and performance standards will allow DEL to continue integration of requirements for recruitment, including written plans, with our Early Learning Management System (ELMS).</p> <p>ECEAP Performance Standard B-100 Child Recruitment states:</p> <p>Contractors must conduct ongoing recruitment throughout the year to:</p> <ul style="list-style-type: none"> • Identify potentially-eligible families in their service area. • Inform families about ECEAP services. • Encourage families to apply for ECEAP. • Maintain a viable waiting list. <p>Contractors must focus their recruitment efforts to locate age-eligible children:</p> <ul style="list-style-type: none"> • Who are homeless. • In the foster care system. In families receiving Child Protective Services under RCW 26.44.020(3) or Family Assessment Response services under RCW 26.44.260 • With disabilities. <p>Contractors must document their recruitment procedure and strategies in ELMS.</p>

<p>homeless, as defined by the federal McKinney-Vento Homeless Assistance Act. • Are receiving child protective services under RCW 26.44.020(3) or family assessment response services under RCW 26.44.260. • From families with multiple needs. Contractors must report on the completion of and results from the recruitment procedure. We believe it is an important step toward increasing access to ECEAP by young children involved in the child welfare system, and can serve as a model for other early learning and development programs. We appreciate the efforts of the Department of Early Learning to ensure the state's most vulnerable children, including those involved in the child welfare system, are being served</p>	<p>2. The proposed rules were not changed as a result of this comment.</p>
<p>Family Child Care provides stability for many at-risk children. For many of these children, their relationship with their family child care provider is their only stable relationship. When making changes that help these children, please don't deny them the option for Family Child Care.</p> <p>I am a licensed Family Child Care provider in Grays Harbor county. I am currently the only provider in the county who provides weekend child care. I also provide evening and late night child care. I have multiple children enrolled in my child care who are receiving foster care services, and I also have multiple children enrolled who are receiving state subsidies for child care. Without my Family Child Care services, these children would not have a safe or stable child care environment available to them. The children I care for are very attached to me and my family members and feel very secure and at home while in my care.</p> <p>Please consider how vital it is for children in child protective services and family assessment services to be in a stable, secure family environment. If Family Child Care providers are eliminated as an option for these special needs children and families, there are many children who would be without a safe place to receive care during non-standard hours and weekends.</p> <p>Many of these children who need extra support are currently receiving high quality care from Family Child Care Providers. And</p>	<p>1. The proposed WAC changes do not eliminate the option for family child care providers to contract with DEL to provide ECEAP services. Families may also still choose to enroll their child in a family child care setting.</p> <p>2. The proposed rules were not changed as a result of this comment.</p>

often for these children, Family Child Care is the best care situation available because of the parent's schedule or the special needs of the child.

I offer a much needed service in our community, as a 24/7 childcare provider. Please don't deny parents the option of choosing my childcare, which might fit "out of ordinary" work hours. For over 15 years most of my clients have been DSHS clients and several have been children under CPS's scrutiny. I wish to continue to be an option for all families.

I have found that a center setting is much or chaotic and may not be what is best for children already in an at risk setting. Stability and consistency are quality's that In home Family Childcares can offer these children.

Sometimes a smaller and quieter home environment enriches and calms a high risk child.

Our Childcare has successfully served hundreds of children throughout the Seattle communities for over 25 years. We continue to exceed the requirements of both the State and City compliances in efforts to provide a SAFE, stable, reliable, nurturing and Educationally sound atmosphere for ALL children served from infants to PreK. The families that are receiving the "extra" support of CPS, IEP, Disabilities, High Risk, etc. should have the option of Family Child care included in their options. We REALLY must take a REALISTIC observation of the NUMBER OF CHILDREN that fall into these categories and NOT SINGLE out the idea that ONLY the Staffing standards required under ECAEP would best serve and meet the needs of the "subject line". Experience, Hands on, Day to day routine work with ALL children, should not be minimized and placed on a "back seat" for the sake of Policy making to meet line item goals.

Children need guidance partnership parents children and providers working together to provide quality care for the children.

I have seen many children who have been in Quality Child Care Home Facilities enter school and thrive greatly. Talking to some Kindergarten teachers find that they are

<p>thrilled when children have been in quality child care homes before school because the children have so many quality skills that they do need to deal with and can proceed with learning.</p> <p>The children should not leave cozy and welcome atmosphere at the family child care. It's a stress for the child.</p> <p>Stop discriminating hardworking home family child care providers!!!! We provide HIGH quality education as well! We are not a babysitting service!!!!</p>	
<p>Family Child Care provides stability for many at-risk children. For many of these children, their relationship with their family child care provider is their only stable relationship. When making changes that help these children, please don't deny them the option for Family Child Care.</p> <p>I have had many children enrolled with my family home childcare that have attended HeadStart/EACEAP; all were still in diapers, and every child came back to me soaking wet and/or messy every day, in the same diaper I sent them in because I would mark their diapers and it was never changed! Head Start/EACEAP are not meeting the needs of our young children, our young children are just a -dollar sign- \$\$ to Head Start/EACEAP. I can not believe this is something DEL is even considering! These programs are a waste of Washington State Moneys, and Tax Payers should not have to pay for programs that our mistreating children. I am a quality child care and preschool that are meeting the needs of our at-risk youth far better then any Head Start/EACEAP Program could ever do. I have a Master Degree in Working with At-Risk Children with Special Needs, so I know I am better then any Head Start/EACEAP Program staff, and secondly, I change the children wet/messy diapers as soon as it happens, I don't allow them to sit and wear the same wet/messy diaper for 4-hours like Head Start/EACEAP does.</p>	<ol style="list-style-type: none"> 1. The proposed WAC changes are not eliminating the option for family child care providers to contract with DEL to provide ECEAP services. Families may also still choose to enroll their child in a family child care setting. ECEAP is a high quality early learning program that meets the needs of all enrolled families and children. 2. The proposed rules were not changed as a result of this comment.
<p>Cuidado Infantil Familiar proporciona estabilidad para muchos niños en situación de riesgo. Para muchos de estos niños, su relación con su proveedor de cuidado infantil en el hogar es la única relación estable. Al realizar cambios que ayudan a estos niños, por favor no les niegan la opción de cuidado infantil familiar.</p>	<ol style="list-style-type: none"> 1. Los cambios propuestos a WAC no eliminan la opción para dueños de un hogar de cuidado de niños que contracten con El Departamento de Aprendizaje Temprano (Department of Early Learning) para ofrecer servicios de ECEAP. Las familias todavía

	<p>pueden elegir a registrar a su hijo o hija en hogar de cuidado de niños familiar.</p> <p>2. Las normas propuestas no han cambiado por resulta de este comentario.</p>
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III. Changes to the final rule compared to the proposed rule.

The proposed rules were not changed as a result of the above comments.